S.A. 271/2007

HIGH COURT OF CHHATTISGARH AT BILASPUR 34

S.A. (PR) No.212/2007

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Appellant
Plaintiff

Bharat Dewangan S/o Ramnath Dewangan, aged about 29 years, Occupation-Labour, R/o Sankara, P.S. Berla, Distt-Durg (CG)

Versus

Respondents
Defendants

1. Dashrath S/o Unknown, aged about two and half years, minor, guardian mother Geeta Bai D/o Jhadi Ram
2. Geeta Bai D/o Jhadi Ram Yadav, aged about 23 years.

Both R/o Village Sankara, P.S. & Tahsil Berla, District-Durg (CG)

Memorandum of second appeal under Section 100 of C.P.C.

Present:-
Shri Sudhir Verma, counsel for the appellant.

ORAL JUDGMENT
(Passed on 19th July, 2007)

Learned counsel for the appellant submitted that he has already removed the defaults, as pointed out by the registry.

(2) Heard on admission.

(3) The appellant/plaintiff herein is aggrieved by the judgment dated 28.7.2006 passed by the Additional District Judge, Bemetara in civil appeal No.01-A/2006, whereby the appeal was dismissed while affirming the judgment and decree passed by the Civil Judge, Class-I, Bemetara in civil suit No.7-A/2003.

(4) The appellant/plaintiff has prayed before the trial Court that he was not the father of the respondent/defendant No.1 Dashrath. Both the Courts below have, on appreciation of evidence, recorded finding of fact that the

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appellant/plaintiff has failed to prove the above fact. The finding recorded by both the Courts below being a pure finding of fact, no substantial question of law arises for determination in this appeal.

(5) The appeal being devoid of any merit is dismissed at the stage of admission. There shall be no order as to costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Poja